

Exhibit A

i2 Telecom Ex Parte Notice Letter of February 23, 2005 FCC Ex Parte Meeting (filed February 24, 2005)

February 24, 2005

NOTICE OF EX PARTE - VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notice of Ex Parte
Level 3 Petition for Forbearance, CC Docket No. 03-266
IP-Enabled Services, WC Docket No. 04-36
Communications Assistance for Law Enforcement Act, ET Docket No. 04-295**

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Federal Communications Commission's ("Commission") Rules, this letter serves to provide notice in the above-captioned proceedings of *ex parte* meetings with Commissioner Adelstein and FCC staff. On February 23, 2005, Ronald W. Del Sesto, Jr. of Swidler Berlin LLP accompanied Mr. Paul Arena, CEO of i2 Telecom International, Inc. ("i2 Telecom" or "Company"), to meet with Commissioner Jonathan S. Adelstein and Scott Bergmann (Legal Advisor for Wireline Issues for Commissioner Adelstein); and Jessica Rosenworcel (Competition and Universal Service Legal Advisor for Commissioner Copps). For the meeting with Pamela Arluck, Michelle Carey, Terri Natoli, and Julie Veach, (all of the Wireline Competition Bureau) Mr. Del Sesto and Mr. Arena were joined by Andrew D. Lipman of Swidler Berlin LLP.

i2 Telecom provides international and domestic long distance calling services to subscribers using VoiceStick^{TM1}, InternetTalker^{TM2} access devices as well as other computing devices. This specialized equipment enables any telephone or business phone system (*i.e.*, a PBX) to access the Company's global network and advanced routing technologies to complete

¹ In 2004, i2 Telecom introduced VoiceStickTM—a softphone on a USB drive. This patent-pending product affords a user the portability of VoIP by enabling the user to call any phone or VoiceStick customer from anywhere in the world. More information on this device is available at: <http://www.voicestick.com>.

² InternetTalkerTM is a residential-based device that connects directly to a customer's broadband Internet connection. The customer plugs an ordinary touch tone telephone into the device, which allows the customer to place calls over their Internet connection. More information on this device is available at: <http://www.internettalker.com>.

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calls over the Internet. Customers pay only for the last leg of the connection, creating substantial savings at the consumer level. i2Telecom's switching centers in Atlanta, Georgia and Foshan, China provide comprehensive access to global telecommunications carriers, enabling microgateway users to complete calls to any phone in the world at a very low cost and with very high quality. i2 Telecom's microgateway technology is available from dealers in most major countries.

During the meetings, i2 Telecom discussed the Company's views on the IP-Enabled Services proceeding,³ the Level 3 Communications' ("Level 3") Petition for Forbearance ("Petition"),⁴ and the Communications Assistance for Law Enforcement Act ("CALEA") proceeding,⁵ as detailed below. The Company also provided written materials at the meeting, attached hereto as Exhibit A. Pursuant to the Commission's Rules, this letter is being submitted electronically to the Secretary for filing in the above-referenced proceedings.

i2 Telecom expressed its view that the Commission should treat IP-enabled services with a light regulatory touch. Voice over Internet Protocol ("VoIP") services operate in a highly competitive marketplace which eliminates much of the need for regulation. Further, VoIP services are rapidly becoming the "killer application" that is increasing demand for broadband services and spurring the deployment of broadband facilities. The Company also supports Level 3's Petition for Forbearance. In terms of CALEA, i2 Telecom can provide trap and trace functionality to law enforcement as well as engage in real-time intercepts of VoIP communications that traverse its network.

i2 Telecom Supports a Light Regulatory Touch for IP-Enabled Services

i2 Telecom agrees with the Commission's assessment that IP-enabled services should be addressed with only a light regulatory touch where needed. The Commission should ensure that these services do not become mired by inconsistent state-based regulation. Several states continue to push inapplicable telecommunications regulation on IP-enabled services and the Commission should proactively address this issue in order to allow VoIP and other IP-enabled services to thrive in an open, lightly regulated marketplace.

³ See *IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, FCC 04-28 (rel. Mar. 10, 2004).

⁴ See *Petition for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of 47 U.S.C. § 251(g), Rule 51.701(b)(1), and Rule 69.5(b)*, WC Docket 03-266 (filed Dec. 23, 2003) ("Level 3 Petition"). Simply stated, if granted by the Commission, Level 3's Petition will stop local exchange carriers ("LECs") (except for certain rural carriers) from imposing access charges on certain Internet Protocol ("IP") traffic that utilizes the public switched telephone network ("PSTN") for a portion of the traffic's routing.

⁵ See *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, Notice of Proposed Rulemaking and Declaratory Ruling, ET Docket No. 04-295, RM-10865 (rel. Aug. 9, 2004).

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To date the United States has lagged behind many other countries in the deployment of broadband services.⁶ However, as the price for VoIP drops, consumers (and therefore suppliers) of broadband will have additional economic incentives to demand competitive broadband services, which will spur the growth of deployment. Many VoIP providers, such as i2 Telecom, require customers to provide their own, third-party provided broadband Internet connection in order to use VoIP services.

Broadband and VoIP competition will also add downward pressure on domestic reciprocal compensation and international settlement rates (see discussion of this *infra*). Each of these factors will increase the economic productivity of the United States telecommunications market, which will in turn lead to additional investment in this industry. In fact, commenters have recently filed letters with the Commission noting that it views IP-enabled services, including VoIP, as among the most promising new technologies.⁷

VoIP may also become a revolutionary service for persons with disabilities. As a computer-based technology, many computer applications will eventually seamlessly integrate with VoIP and other IP-enabled services. The advent of VoIP services allows for leveraging personal computers to improve communications services for people with disabilities.

i2 Telecom also believes that 911 and E-911 services are important social policy goals. However, at this time, the Company (and many other similarly-situated providers) cannot offer 911 or E-911 solutions to our customers due to the technological limitations of the current 911 infrastructure in the United States. An industry-wide solution will be needed to fully address this issue, and many providers of VoIP and other IP-enabled services are actively seeking solutions to this problem. i2 Telecom does not currently provide 911 services to its customers (customers are fully informed of this limitation in the Company's terms of service). The Company is waiting for a robust VoIP 911 solution before offering this service to its customers and is willing to participate in the industry process to achieve this goal.

i2 Telecom Supports Level 3's Petition

i2 Telecom believes that granting Level 3's Petition will enhance the ability of VoIP providers to deploy new services and devices, will provide downward pressure on international settlement rates (and domestic intercarrier compensation rates), and will complement the Commission's public policy goals of increased broadband deployment and investment. As i2 Telecom customers can use the Company's VoIP services from anywhere in the world (in fact,

⁶ For example, the FCC lists ten countries with more broadband subscribers per 100 people than the United States, and notes that Japan recently overcame the United States in this regard. *See* FCC, *Availability of Advanced Telecommunications Capability in the United States, Fourth Report to Congress*, at 44-45 (Sept. 9, 2004).

⁷ *See, e.g., Petition for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of 47 U.S.C. § 251(g), Rule 51.701(b)(1), and Rule 69.5(b)*, Ex Parte of Columbia Capital, WC Docket 03-266 (filed Feb. 14, 2005).

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the VoiceStick™ is specifically designed for maximum portability), and does not require use of the public switched telephone network (“PSTN”) for the origination (and in some cases the termination) of a VoIP call, the traditional access charge regime has little applicability for VoIP services.

Affirming that IP-PSTN traffic is not subject to the access charge regime will bolster VoIP services, which will put further pressure on international settlement rates. The FCC has been steadfast in its international advocacy position that VoIP should remain unregulated due to the “significant downward pressure” VoIP services place on international settlement rates and consumer prices.⁸ For regulatory consistency, the FCC should work to ensure that VoIP remains unfettered by traditional common carrier regulation and access charges, and thereby put additional competitive pressure on compensation rates domestically as well as internationally.

i2 Telecom Supports Law Enforcement

i2 Telecom supports law enforcement and its drive to safeguard the American public. At this time, the Company can provide law enforcement agencies with trap and trace capabilities, as well as real-time tapping of communications using i2 Telecom’s services. i2 Telecom believes the industry and law enforcement should work together to establish standards to deliver the data needed by law enforcement. i2 Telecom cautions the Commission from adopting artificial deadlines to realize this goal and allow the industry and the law enforcement community to adopt standards that make sense. As the Commission is aware, Congress should resolve any ambiguities associated with the applicability of CALEA to new technologies such as VoIP.

⁸ See Report to Congress at ¶ 93 (citing *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market and Market Entry and Regulation of Foreign-Affiliated Entities*, Report and Order and Order on Reconsideration, 12 FCC Rcd. 23891 (1997)); see also Remarks of Commissioner Susan Ness (as prepared for delivery), Information Session – WTFP (Mar. 7, 2001).

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For the foregoing reasons, i2 Telecom supports a light regulatory touch for IP-enabled services. Granting Level 3' Petition will provide VoIP services the opportunity to compete with traditional telephony providers, create downward pressure on international settlement rates and domestic prices, and drive broadband deployment – all of which will ultimately benefit United States consumers. The Company takes the concerns of law enforcement very seriously and can provide law enforcement with the data it needs today.

Sincerely,

/s/
Ronald W. Del Sesto, Jr.

Counsel for i2 Telecom International, Inc.

cc: Andrew D. Lipman